

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ROBERT PRIEST,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 3:09-0541
	)	Judge Trauger/Bryant
DAVID SEAHORN, et al.,	)	
	)	
Defendants.	)	

**TO: The Honorable Aleta A. Trauger**

**REPORT AND RECOMMENDATION**

On June 11, 2009, the Court granted plaintiff's application to proceed in forma pauperis (Docket Entry No. 4). In its order, the Court instructed the Clerk to send the plaintiff a service packet for each defendant, and ordered the plaintiff to complete the service packets and return them to the Clerk's Office within twenty days of receipt of the Court's order. It appears from the record that the plaintiff has not complied with this order by returning the completed service packets.

On October 5, 2009, the Court entered its order requiring the plaintiff to show cause on or before October 30, 2009, why his complaint should not be dismissed for failure to comply with the Court's order directing him to complete and return service packets for each defendant (Docket Entry No. 12). The record contains a return receipt for the mailing of this order to plaintiff, signed by someone whose signature is illegible (Docket Entry No. 14).

Plaintiff has failed to respond to this order to show cause, and has persisted in his failure to complete and return

service packets as previously ordered by the Court. For this reason, the undersigned Magistrate Judge finds that plaintiff's complaint should be dismissed for failure to comply with Court orders concerning completion of service packets and failure to prosecute this action.

#### **RECOMMENDATION**

The undersigned Magistrate Judge, for the reasons stated above, **RECOMMENDS** that plaintiff's complaint be **DISMISSED** for failure to comply with the orders of the Court and to prosecute his action.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

**ENTERED** this 3rd day of November 2009.

s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge